

Ronald Cupp
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Ronald Cupp,

Plaintiff,

vs.

FLINT C. ZIDE
LAW OFFICES HARRIS AND ZIDE
ROBERT HARRIS
SARKIS S. KARAYAN
LVNV FUNDING, LLC.
SYNCHRONY BANK
LAW OFFICES PANTENAUE & FELIX A.P.C.
MICHAEL R. BOULANGER
RESURGENT CAPITAL SERVICES, LP
EXPERIAN
TRANSUNION
EQUAFAX
DOES 1-10

Defendants.

CASE NO: 22-CV-4689 YGR

PLAINTIFF OPPOSITION TO
DEFENDANTS PATENAUE & FELIX,
A.P.C. AND MICHAEL R. BOULANGER'S
MOTION TO DISMISS PURSUANT TO
FRCP 12(b)6

DATE: November 22, 2022

TIME: 2:00 pm

COURTROOM: 1

JUDGE:

Hon. Judge Yvonne Gonzalez Rogers

Please take notice that on above date and time, or as soon thereafter as the matter may be heard, in Courtroom 1 of the United States District Court, Plaintiff Ronald Cupp, will and hereby does move the Court under Fed.Civ.R 12(b)(6) for an order denying Defendants Motion to Dismiss, or in the alternative, leave of court to file a more definite statement and Amended Complaint.

MEMORANDUM OF POINTS AND AUTHORITIES

The Defendants' 12(b)6 arguments are:

II. ISSUES TO BE DECIDED

Whether Plaintiff has failed to state a claim on which relief can be granted as to Defendants Patenaude & Felix, A.P.C., and Michael R. Boulanger.

a. Whether Plaintiff's claims in Count I, Count II, Count IV, Count V and Count VI are time barred as to Defendants Patenaude & Felix, A.P.C., and Michael R. Boulanger.

Plaintiff Cupp's response:

a. The issues are that counts I, II, IV, V, VI are time barred. Cupp disagrees with this in that selling or 'passing' on a debt to another collector is 'an attempt to collect a debt' and is active as long as the collection continues, like in the CRA's accounts.

b. Cupp accepts the Statement of Facts as listed in Defendants Motion 12(b)6, except for p3, L12 'On November 11, 2017, Synchrony recalled the account from Patenaude. On November 11, 2017, Patenaude closed the account'. This has never been shown to Cupp until this filing.

c. In actuality, Defendant Patenaude & Felix, A.P.C. counsel in communication with Cupp; up until and including this filing date, through email, has represented that 'their Client, Synchrony, in asking Cupp to dismiss this claim against 'them' and their 'Client'.

d. Cupp also takes exception to a declaration of Raymond A. Patenaude as owner of his firm with offices in many states stating he has 'personal' knowledge, but in his declaration, he states again in paragraph's 11, 12, and 13 the above Defendant Synchrony recalling the account and Patenaude & Felix, A.P.C. closing the account.

e. If Defendants Patenaude & Felix, A.P.C. and Michael R. Boulanger will submit the evidence in their reply of 'recalled the account', and 'closing the account' with a declaration, Plaintiff Cupp will dismiss them from the complaint.

1 f. If not, then Cupp requests continuation with hearing and above will be part of the
2 discovery process.

3 Dated: October 22, 2022

4 Respectfully submitted,

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7 By: /s/Ronald Cupp
8 Plaintiff In Pro Se
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